

Mark B. Comstock (OSB #811930)  
mcomstock@garrettlaw.com  
GARRETT, HEMANN, ROBERTSON, JENNINGS,  
COMSTOCK & TRETHEWY  
Willamette Professional Center  
1011 Commercial Street, N.E., Suite 210  
P.O. Box 749  
Salem, Oregon 97308-0749  
Telephone: (503) 581-1501/Facsimile: (503) 581-5891

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Abraham J. Colman (SB #146933)  
acolman@buchalter.com  
Scott H. Jacobs (SB# 81980)  
sjacobs@buchalter.com  
Van T. Lam (SB #223254)  
vlam@buchalter.com  
BUCHALTER, NEMER, FIELDS & YOUNGER  
A Professional Corporation  
601 South Figueroa Street, Suite 2400  
Los Angeles, California 90017-5704  
Telephone: (213) 891-0700 / Facsimile: (213) 896-0400

Attorneys for Defendants CROSS COUNTRY BANK,  
erroneously sued as Cross Country Bank, Inc., and APPLIED  
CARD SYSTEMS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MICHAEL WHIPPLE, BRUCE  
GAFFIELD

Plaintiffs,

v.

CROSS COUNTRY BANK, INC.,  
APPLIED CARD SYSTEMS, INC.,  
EQUIFAX INFORMATION SERVICES,  
LLC, EXPERIAN INFORMATION  
SOLUTIONS, INC., TRANS UNION,  
LLC

Defendants.

No. CV 04-399-BR

Assigned to the Honorable Anna J. Brown

STIPULATION GRANTING RELIEF  
REQUESTED IN MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
BY DEFENDANTS CROSS COUNTRY  
BANK AND APPLIED CARD SYSTEMS,  
INC. AS TO PLAINTIFF MICHAEL  
WHIPPLE AND [PROPOSED] ORDER  
THEREON

**STIPULATION GRANTING RELIEF REQUESTED IN MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT BY DEFENDANTS CROSS COUNTRY BANK**  
**AND APPLIED CARD SYSTEMS, INC. AS TO PLAINTIFF MICHAEL WHIPPLE**

WHEREAS defendants Cross Country Bank ("Cross Country") and Applied Card Systems, Inc. ("ACS") filed a Motion for Partial Summary Judgment as to the claims of Michael Whipple ("Whipple") on May 31, 2005 pursuant to Rules 56(b), (c) and (d) of the Federal Rules of Civil Procedure on the issue of whether Cross Country and ACS may be liable for a purported violation of the federal Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.* based on the Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001; and

WHEREAS, Cross Country and ACS and Whipple met and conferred about the subject matter of the Motion for Partial Summary Judgment before it was filed, pursuant to Local Rule 7.1; and

WHEREAS, Cross Country and ACS and Whipple continued their meet and confer efforts after the Motion was filed, which resulted in the agreement memorialized in this Stipulation.

NOW THEREFORE, it is stipulated by Cross Country and ACS and Whipple, by and through their respective counsel of record, as follows:

1. The Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001 shall not form the basis of any claim by Whipple for violation of the federal Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.* in this matter;
2. This Stipulation is not intended to and shall not prejudice the right of Whipple to attempt to introduce evidence related to the Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001 for other purposes at trial; and
3. The Stipulation is not intended to and shall not prejudice the right of Cross Country and ACS to object to the introduction of evidence related to the Automated Consumer

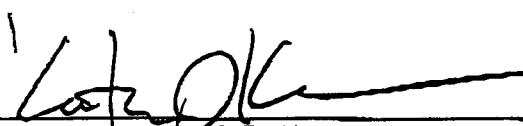
Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001 at trial.

IT IS SO STIPULATED.

DATED: June 6, 2005

OLSEN, OLSEN & DAINES

By:

  
Keith D. Karnes

Attorneys for Plaintiffs,  
MICHAEL WHIPPLE and BRUCE  
GAFFIELD

DATED: June 6, 2005

BUCHALTER, NEMER, FIELDS & YOUNGER  
A Professional Corporation

By:

  
Scott H. Jacobs

Attorneys for Defendants,  
CROSS COUNTRY BANK, erroneously sued  
as Cross Country Bank, Inc. and APPLIED  
CARD SYSTEMS, INC.

*(AF)*  
**[PROPOSED] ORDER**

Based upon the Stipulation of parties herein, and good cause appearing therefor, IT  
IT IS ORDERED as follows:

1. The relief requested in the Motion For Partial Summary Judgment By Defendants Cross Country Bank And Applied Card Systems, Inc. As To Plaintiff Michael Whipple is granted, that relief being that the Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country Bank on October 24, 2001 may not form the basis for liability for any purported violation of the federal Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.*;
2. This Order is not intended to and shall not prejudice the right of Michael Whipple to attempt to introduce evidence related to the Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001 for other purposes at trial; and
3. This Order is not intended to and shall not prejudice the right of Cross Country Bank and Applied Card Systems, Inc. to object to the introduction of evidence related to the Automated Consumer Dispute Verification Form transmitted by Trans Union, LLC to Cross Country on October 24, 2001 at trial.

Dated: 6/10/05

  
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The Honorable Anna J. Brown